

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 4, 2002**

The Tippecanoe County Commissioners met on Monday, November 4, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

For those persons present to hear the rezoning request for Copper Beech Townhome Communities, LLP, President Knochel announced the petitioner has requested a postponement until the December 2, 2002 Commissioners' Meeting.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the October 21, 2002 Meeting as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF CLAIMS

Commissioners' Assistant Weston noted a correction to Claim #02-13627 payable to MAIL should be payable to Schnaible in the amount of \$196.53. There is an additional claim to the Internal Revenue Service in the amount of \$20,950.12 for the rebate calculation of the Bond Anticipation Notes.

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims with the noted correction and addition for the periods ending October 25, 2002, November 1, 2002, and November 4, 2002, seconded by Commissioner Benson; motion carried.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Mr. Habben reported:

- The Holding Area is complete.
- Renovation on the existing jail structure will begin in approximately two weeks.
- Work in the new Pod is on schedule. The masonry should be completed this week. Painting, ceilings, and other finishes as well as mechanical and electrical work are progressing well.

HIGHWAY: Executive Director Mark Albers

ORDINANCE 2002-40-CM: Second Reading: Amends Permit Fees

Attorney Luhman again read the proposed Schedule of Fees in this Ordinance that was read and passed on first reading at the October 21, 2002 Commissioners' Meeting.

- Commissioner Benson moved to approve Ordinance 2002-40-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2002-40-CM on second reading passed 3 – 0.

GRANTS OF RIGHT OF WAY: By Parcelization

Mr. Albers presented the following Grants of Right-of-Way by parcelization for acceptance:

Key #140-03000-0055: 30' R-O-W north of the center line of CR 650 S; Part of the NW $\frac{1}{4}$ of Sec 27, Twp 22 N, R 6 W in Wayne Twp from Frank D. Raub & Donald R. Roegner.

Key #112-01200-0133

Key #112-01200-0166: 30' R-O-W south of the north line of the SE $\frac{1}{4}$ (CR 250 N)
30' R-O-W north of the center line of CR 200 N; Part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 12, Twp 23 N, R 3 W in Perry Twp from James W. Greives, Executor of the Over C. Greives Estate.

Key #118-01200-0161

Key #118-01200-0172

Key #118-01200-0183: 30' R-O-W east of the center line of CR 1050 E; A part of the SE $\frac{1}{4}$, Sec 12, Twp 22 N, R 3 W, 2nd P.M. in Sheffield Twp from Thomas & Susan Null.

- Commissioner Benson moved to accept the Grants of Right-of-Way by parcelization, seconded by Commissioner Shedd; motion carried.

TRUSTEE'S DEED: Railroad Project 99-541

Mr. Albers submitted for acceptance the following Trustee's Deed for Railroad Project 99-541:

Key #140-00400-0070: Parcel #10:

A part of the east $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 8, Twp 22 N, R 5 W in Wayne Twp from the Oliver M. Shafer Trust.

- Commissioner Benson moved to accept the Trustee's Deed for Project 99-541, seconded by Commissioner Shedd; motion carried.

PUBLIC AUCTION ANNOUNCEMENT: Highway Equipment

A public auction of used Highway equipment will be held at 10:00 A.M., Saturday, November 16, 2002 at the County Highway Garage. A preview of the equipment will be held from 7 A.M. to 3 P.M. on Friday, November 15, 2002 at the Highway Garage. Advertisement dates in the Journal & Courier and the Lafayette Leader are October 31, 2002 and November 7, 2002.

CERTIFICATES OF INSURANCE

- ♦ Westfield Companies for David Benedict DBA Benedict Concrete
- ♦ Auto-Owners Insurance for Able Mobile Home Housing, Ken Pinder
- ♦ Zurich Group-Indianapolis for Customs Cut Lawn Care, Inc.
- ♦ Hastings Mutual Ins Co for Cain's Homelike Farms, Inc
- ♦ Admiral Insurance Company, Colonial County Mutual Insurance Company, U.S. Specialty Ins Company, Lloyds of London for Roadmasters Transport Company Inc
- ♦ Erie Insurance Exchange for Mennen Builders
- ♦ State Farm Fire and Casualty Company for Greg Etzel
- ♦ Indiana Insurance Company, Liberty Mutual for Dan Terry dba DT Enterprises
- ♦ United Farm Family Mutual Insurance Company for William Misch dba Misch Custom Homes
- ♦ Indiana Insurance Group for Tempest Homes LLC

MAIL & DUPLICATING REQUEST

President Knochel explained that Mail & Duplicating requested the Commissioners' approval to cut a check from the Commissioners' Budget in the amount of \$2,590 to pay for stamps for Jury Pulls for 2003 for Circuit, Superior IV, and Superior II Courts. This is a normal procedure that must be done before the end of the year.

- Commissioner Shedd moved to approve the request to pay for stamps for the 2003 Jury Pulls in three courts, seconded by Commissioner Benson; motion carried.

ORDINANCE 2002-42-CM: Z-2090, RBT Development, LLC R3 & GB to NB

- Commissioner Benson moved to hear and approve Ordinance 2002-42-CM, seconded by Commissioner Shedd.

(quote)

October 17, 2002

Ref. No.:02-615

Tippecanoe County Commissioners
20 North Third Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2090-RBT DEVELOPMENT, LLC (R3 & GB TO NB):**

Petitioner is requesting the rezoning of 4.39 acres located approximately 600' north of US 52 West, 1/4 mile west of Morehouse Road, Wabash 2 (NE) 23-5. CONTINUED FROM THE SEPTEMBER MEETING.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 16, 2002, the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to rezone the subject real estate from R3 & GB TO NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-42-CM**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA,
TO REZONE CERTAIN REAL ESTATE FROM R3 & GB TO NB**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:**

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the East half of the Northeast quarter of Section Two (2), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being more completely described as follows to-wit:

Commencing at the Southeast Corner of the Northeast Quarter of Section 2-23-5, said point being marked by a Berntsen A1NB aluminum monument; thence along the East line of said Northeast Quarter, North 00°03'12" East, 295.37 feet to the point of beginning of the herein described tract; thence continuing North 00°03'12" East, 480.00 feet; thence North 89°56'48" West, 403.38 feet; thence North 42°56'48" West, 249.22 feet; thence South 90°00'00" West, 50.00 feet; thence South 00°03'12" West, 61.48 feet; thence along a tangent curve to the right (said curve having a radius of 230.00 feet and a chord bearing South 20°36'06" West, 161.46 feet) an arc distance of 164.97 feet; thence along a tangent curve to the left (said curve having a radius of 30.00 feet and a chord bearing South 00°53'54" East, 40.19 feet) an arc distance of 44.03 feet; thence South 42°56'48" East, 171.34 feet; thence along a tangent curve to the left (said curve having a radius of 170.00 feet and a chord bearing South 66°26'48" East, 135.57 feet) an arc distance of 139.45 feet; thence South 89°56'48" East, 208.17 feet; thence along a tangent curve to the right (said curve having a radius of 230.00 feet and a chord bearing South 44°56'48" East, 325.27 feet) an arc distance of 361.28 feet to the point of beginning, containing 4.39 acres.

SECTION II:

The real estate described above should be and the same is hereby rezoned from R3 & GB to NB

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of November, 2002.

VOTE:

John Knochel – President

KD Benson – Vice President

Ruth Shedd – Member

Attest:

Robert A. Plantenga - Auditor

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg explained that the petitioner plans to build a low rise office building on this acreage that is surrounded on three sides by GB and NB. Since the property is located approximately 500' back from US 52, he said it is too far back to make it attractive for building a fast food restaurant. He said adequate buffering is required by ordinance and he thinks more R3 building in the area would be wasteful since there is already so much R3 in the area.

With no questions or comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2002-42-CM passed 3 – 0.

ORDINANCE 2002-43-CM: Z-2092, John S. Badylak PDMX to PDMX (Wyndham Trace Lot 13 Revised PD)

- Commissioner Benson moved to hear and approve Ordinance 2002-43-CM, seconded by Commissioner Shedd.

(quote)

October 17, 2002
Ref. No: 02-616

Tippecanoe County Commissioners
20 North Third Street
Lafayette, IN 47901

Attn- Tippecanoe County Auditor

CERTIFICATION

RE: Z-2092-JOHN S. BADYLAK (PDMX TO PDMX) (WYNDHAM TRACE, LOT 13 REVISED, PD): Petitioner is requesting an amendment to reduce the recorded front setback from 20' to 17' for a duplex constructed at 2721 and 2725 Wyndham Way, south of US 52, between McCormick and Klondike Roads, Wabash 2 (SW) 23-5.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 16, 2002, the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no to APPROVE the motion to rezone the subject real estate from PDMX TO PDMX. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on the following conditions..

All requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the approved Preliminary Plan; and
2. A final plat, per UZO Appendix B-3-2 as applicable.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-43-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM PDMX TO PDMX.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF

TIPPECANOE, INDIANA:

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

Lot numbered thirteen (13) in Wyndham Trace Planned Development, as per the Plat thereof dated April 9, 2001, recorded May 3, 2001, as Planned Development Cabinet 11, Slide 186, as Document Number 01010400. Located in Wabash Township, Tippecanoe County, Indiana.

Section 2. The real estate described above should be and the same is hereby rezoned from **PDMX** to **PDMX**.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of November, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest:

Robert Plantenga, Auditor

(unquote)

Paul Coutts, of C & S Engineering, Surveyor, represented the petitioner to request approval to reduce the front setback of the duplex from 20' to 17' because the building was incorrectly placed on the lot. Mr. Coutts said approval will situate the building where it needs to be in relation to the setback line. He explained that this correction will not affect other owners and there will still be room for parking between the building and the sidewalk.

With no comments or questions, Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2002-43-CM passed 3 – 0.

CITY OF LAFAYETTE REQUEST: Use of Courthouse Steps and Restroom Facilities

President Knochel reported he received a request from Lafayette Chief of Police Gene Reed requesting permission to use the Courthouse steps and restroom facilities for the Christmas Parade that will be held on Sunday, December 8, 2002 at 2:00 P.M. A Certificate of Insurance from Indemnity Insurance Co of N America was included with the request.

- Commissioner Benson moved to approve the City of Lafayette's request for use of the Courthouse steps and restroom facilities for the Christmas Parade on December 8, 2002, seconded by Commissioner Shedd; motion carried.

RESOLUTION 2002-34-CM: Amends Project X in Cum Cap Plan

Attorney Luhman explained that this Resolution amends Project X in the Cum Cap Plan to add funding for Capital Outlay Expenditures for 2002 for the MITS Department for Verizon Communications System Maintenance in the amount of \$25,000.

(quote)

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE**RESOLUTION 2002-34-CM****RESOLUTION FOR THE AMENDMENT AND RE-ADOPTION OF THE
TIPPECANOE COUNTY CUMULATIVE CAPITAL TAX IMPROVEMENT PLAN**

WHEREAS, The Board of Commissioners of the County of Tippecanoe has the authority to adopt a Cumulative Capital Improvement Plan for the County of Tippecanoe setting forth the uses of the revenues which Tippecanoe County shall receive from the Cumulative Capital Tax duly adopted in the year 1984, (Resolution 84-03-CM); re-adopted May 6, 1985, (Resolution 85-01-CM); re-adopted April 20, 1987, (Resolution 87-10-CM); readopted July 16, 1990, (Resolution 90-10-CM); as amended on May 20, 1991, (Resolution 91-07-CM); and re-adopted July 19, 1993 (Resolution 93-08-CM); and re-adopted November 9, 1994; as amended January 20, 1998 (Resolution 98-09-CM); as amended May 4, 1998 (Resolution 98-21-CM); as amended July 6, 1998 (Resolution 98-29-CM); and amended and re-adopted on March 1, 1999 (Resolution 99-12-CM) and amended and re-adopted on February 22, 2000, (Resolution 2000-11-CM) and re-adopted on April 3, 2000 (Resolution 2000-17-CM; and amended and re-adopted on February 20, 2001 (Resolution 2001-07-CM); and amended and re-adopted on September 5, 2001 (Resolution 2001-38-CM); and amended and re-adopted on November 7, 2001 (Resolution 2001-50-CM); and amended and re-adopted on February 4, 2002 (Resolution 2002-05-CM); and Amended and Readopted on February 12, 2002 (Resolution 2002-10-CM); and Amended and Readopted on July 1, 2002 (Resolution 2002-22-CM);

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to amend the Project X of the Cumulative Capital Tax Improvement Plan to provide funds for Capital Outlay Expenditures for Calendar Year 2002 for the MITS Department for Verizon Communication System Maintenance in the amount of \$25,000;

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to ratify and confirm the Cumulative Capital Tax Improvement Plan, as so amended;

NOW THEREFORE BE IT RESOLVED, after due consideration The Board of Commissioners of the County of Tippecanoe hereby Amends Project X of the Cumulative Capital Tax Improvement Plan to provide additional funds for Capital Outlay Expenditures for Calendar Year 2002 for the MITS Department for Verizon Communications System Maintenance in the amount of \$25,000, the amended funding for MITS being as follows:

MITS	16-16-405000	
Help Desk Solution		\$35,000.00
Remote Control		5,000.00
PC Replacement		60,000.00
Account		
Remote Site VPN		17,200.00
Analog Card		2,050.00
Telephone Switch		
Telephone System		90,000.00
Upgrade		
Communications		
Systems Maintenance		25,000.00
		<u>\$234,2</u>

BE IT FURTHER RESOLVED that in all other respects, the Cumulative Capital Tax Improvement Plan be, and it is hereby ratified and confirmed.

Adopted and passed this the 4th day of November, 2002.

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002 34-CM, seconded by Commissioner Shedd; motion carried.

RESOLUTION 2002-36-CM: Authorizing Voting System Reimbursement Application

(quote)

RESOLUTION NO. 2002-36-CM

**RESOLUTION AUTHORIZING
VOTING SYSTEM REIMBURSEMENT APPLICATION**

***RESOLUTION OF BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA,
AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE INDIANA DEPARTMENT OF
COMMERCE AND ADDRESSING RELATED MATTERS.***

WHEREAS, Indiana Code 3-11-6.5-3 authorizes the expenditure of funds to reimburse counties for the (1) purchase; (2) lease-purchase; or (3) lease of new voting systems or upgrades or expansion of existing voting systems after June 30, 2001; and

WHEREAS, Tippecanoe County has so acquired new voting systems and desires to apply for such reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Tippecanoe County, Indiana, that the Board of Elections and Registrations of the County of Tippecanoe, State of Indiana is authorized to prepare and submit an application for voting system reimbursement funds under IC 3-11-6.5-3., and to execute and administer such contracts and agreements as may be required to secure such reimbursement.

This Resolution shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and adopted this 4th day of November, 2002.

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

- Commissioner Benson moved to approve Resolution 2002-36-CM, seconded by Commissioner Shedd.

Attorney Luhman explained that the Indiana Code authorizes reimbursement to counties who acquired new voting equipment after June 30, 2001. Approval of this resolution authorizes the Board of Election and Registration to apply for reimbursement although they don't believe full funding is available. Attorney Luhman thinks reimbursement is dependent upon the State receiving Federal funds.

Commissioner Benson read a letter from Board of Election and Registration Registrar Linda Phillips in which she states there is currently no money for reimbursement but the "Help America Vote" authorized up to \$5,000 per precinct for those that used punch cards or will use them in the November 2002 Election.

Commissioner Shedd established that the County will receive notice if it qualifies for reimbursement but won't receive payment until funds are available.

- The motion to approve Resolution 2002-36-CM passed 3 – 0.

REPORTS

A report from Legal Aid is on file in the Commissioners' Office for review.

QUOTE AWARDED: Snow Removal

Commissioner Benson reported the Commissioners received quotes of \$62 per hour, \$60 per hour, and \$52 per hour for snow removal at the County Extension Building, Cary Home, the 629 Building, and the 4th & Alabama Parking Lot. The low quote of \$52 per hour was from Kevin Russell's Snow Removal Services.

- Commissioner Benson moved to award the quote for Snow Removal to Kevin Russell's Snow Removal Services, seconded by Commissioner Shedd; motion carried.

RECESSED/RECONVENED

President Knochel recessed the meeting and reconvened upon the arrival of guest speaker Mike McMillen.

Commissioner Shedd introduced Mike McMillen, of Michael S. McMillen, AIA, PC, who is being considered to conduct a Juvenile Justice Feasibility Study for the County.

Mr. McMillen said he has been in the business of planning juvenile facilities for the past twenty five (25) years. He advocates conducting a needs' assessment to address services the County needs to offer our youth which does not necessarily mean building a detention facility. Mr. McMillen said 75% of the youth do not need a residential facility but can be helped with after school programs, some of which Tippecanoe County already has in place. Most direction for youth is required after school from 3:00 P.M. to 7:00 P.M. When the parents pick up their children, there is opportunity for interaction between the staff and parents. Mr. McMillen doesn't think there is a lot of need to build a building to hold juveniles waiting for trial. He said very few are sent away for custodial

care. If detention facility is built, he said the County needs to make the most of it by providing additional services that are far less costly than residential care.

President Knochel asked Mr. McMillen how many departments he will interview if he is hired. Mr. McMillen responded he will interview all departments that deal with juveniles including local police and private service providers. He said the amount the County can afford to spend has to be determined before a decision is made on constructing a building. He estimated it will take three months to crunch the numbers and conduct the interviews, but more time may be required if other counties are included in the study.

LOCAL GOVERNMENT COOPERATION AWARD

County Surveyor Steve Murray explained that, in anticipation of the upcoming NPDES Phase II Storm Water Management System requirements, Engineers from the City of Lafayette, the City of West Lafayette, and Purdue University worked with him in a joint project. This combined effort resulted in a Consulting Agreement that will allow them to jointing apply for a permit and submit a plan which should mean a substantial cost savings. For this endeavor, they received the Local Government Cooperation Award at the recent AIC (Association of Indiana Counties) Conference. Mr. Murray presented plaques to West Lafayette Mayor Sonya Margerum and Lafayette Mayor Dave Heath who were present.

Mayor Margerum thanked Mr. Murray for spearheading this project which will affect the entire County. Mayor Heath thought they have set an example of local governments working together.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor